

**IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

JOHN KRAFT, AND THE EDGAR COUNTY)
WATCHDOGS INC.)
)
PLAINTIFFS,) 19 CH
)
V.) 19CH000274
)
ALGONQUIN TOWNSHIP)
)
DEFENDANT.)

COMPLAINT

NOW COMES Plaintiffs, John Kraft and the Edgar County Watchdogs Inc. (hereafter "ECWD"), by their attorneys, Ambroziak & Associates, and bring this suit to Overturn Defendant's refusal, and willful violation of the Illinois Freedom of Information Act, to respond to Plaintiff's Freedom of Information Act requests. In support of this Complaint, Plaintiffs state as follows:

INTRODUCTION

1. Pursuant to fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act (hereafter "FOIA"). 5 ILCS 140/1.

2. Restraints on access to information to the extent permitted by FOIA are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards and other aspects of

NOTICE

**THIS CASE IS HEREBY SET FOR A SCHEDULING CONFERENCE IN COURTROOM
TBD ON 08/01/19, AT 9:00 a.m. FAILURE TO APPEAR MAY RESULT
IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.**

governmental activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.
4. " Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way" 5 ILCS 140/11.

PARTIES

5. Plaintiffs Kraft and ECWD are the FOIA requesters in this case.
6. Defendant Algonquin Township is a public body located in McHenry County, Illinois.
7. The records sought, as set forth in each count, are non-exempt public records of ALGONQUIN TOWNSHIP.
8. ALGONQUIN TOWNSHIP willfully and intentionally violated FOIA by Defendant's ongoing and constant refusal to, and failure to properly respond to the FOIA requests shown below and in the attached Exhibit hereto and incorporated herein.
9. The aforementioned paragraphs 1-8 are incorporated in Count I as if fully restated therein in the count.

COUNT I

10. On June 2, 2018, Plaintiff John Kraft, using the e-mail address [john@\[REDACTED\]](mailto:john@[REDACTED]) requested information concerning the public body by e-mailing both Karen Lukasik at klukasik@algonquintownship.com and James Kelly at jkelly@mkm-law.com seeking:
 - “1) copy of all communications received from YouTube or any of its representatives since Jan 1, 2017, and,
 - 2) copy of all communications sent to YouTube or any of its representatives since Jan 1, 2017.” See Exhibit A.
11. Defendant Algonquin Township never responded to Plaintiff’s June 2, 2018 FOIA request.
12. As of the date of this filing, Defendant has never responded to this FOIA Request.

WHEREFORE, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC. Pray that this honorable Court grant the following relief:

- A. In accordance with 5 ILCS 140/11(h), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- B. Declare that ALGONQUIN TOWNSHIP has violated FOIA; and
- C. Order ALGONQUIN TOWNSHIP to produce the requested records; and
- D. Enjoin ALGONQUIN TOWNSHIP from withholding non-exempt public records under FOIA; and
- E. Order ALGONQUIN TOWNSHIP to pay civil penalties; and
- F. Award Plaintiff reasonable attorneys' fees and costs; and
- G. Award such other relief the Court considers just and equitable.

RESPECTFULLY SUBMITTIED.

/s/ Denise M. Ambroziak

Denise M. Ambroziak

One of the Attorneys for Plaintiffs

Denise M. Ambroziak
ARDC #6244325
AMBROZIAK & ASSOCIATES
Attorney for Plaintiffs
550 West Woodstock St. Ste 107.
Crystal Lake, IL 60014
(815) 459-4949
ambroziaklaw@comcast.net

EXHIBIT A

From: [John Kraft](#)
To: klukasik@algonquintownship.com; jpkelley@mkm-law.com
Cc: [Kirk Allen](#)
Subject: FOIA Request (Algonquin Township) - 6-2-2018
Date: Saturday, June 02, 2018 10:10:00 PM

In accordance with the Freedom of Information Act I am requesting the following. If you are not the FOIA officer please forward to the FOIA officer as required by statute.

Electronic copies requested.

Copy of the following:

1. Copy of all communications received from YouTube or any of its representatives, since Jan 1, 2017.
2. Copy of all communications sent to YouTube or any of its representatives, since Jan 1, 2017.

Electronic copies are requested.

This is not a commercial request.

This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of the local and state governments in Illinois and will be used to inform citizens of the actions of their public officials, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit

I, and the organizations I represent, qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). Additionally, I, and the organizations I represent, qualify as "news media" under the Illinois Vehicle Code, Section 1-148.5.

Thanks,

John Kraft

Paris, Illinois 61944

